

**REMARKS**

Claims 1-19 are pending and have been examined in the present application.

Claims 1-19 stand rejected under 35 U.S.C. §103(a) being unpatentable over U.S. Patent No. 6,185,312 to Nakamura et al. in view of U.S. Patent No. 6,701,062 to Talstra et al. Applicant respectfully traverses this rejection.

**Claims 1-5**

Among the limitations of independent claim 1 which are neither disclosed nor suggested in the prior art of record is an electronic watermark system for use in inserting an electronic watermark into a digital image which includes “control means for controlling a degree of insertion strength of the electronic watermark with reference to the data amount of the digital image per unit time.”

It should be noted that the present invention as defined in independent claim 1 is used to insert a watermark into an image. Because the degree of insertion strength of the electronic watermark is controlled based on the data amount of the digital image per unit of time, the watermark strength is capable of being adjusted on insertion or embedding of the watermark in the digital image. Accordingly, the detection strength of the watermark can be maintained and the reduction of the quality of the image can be suppressed.

As admitted on page 3 of the Office Action, Nakamura et al. neither teaches nor suggests controlling a degree of insertion strength of the electronic watermark based on the data amount of the digital image per unit time. The Office Action then relies on the teachings of Talstra et al. for showing that the degree of insertion strength of the electronic watermark is controlled based on the data amount of the digital image per unit time. Applicant respectfully disagrees.

Talstra et al. adds nothing to the teachings of Nakamura et al. Talstra et al. is directed to a system and method for providing copy control of generational video signals. As described in Talstra et al. at col. 1, lines 56-58, generational copy control requires that the copy status of the supplemental information (i.e., the watermark) present in the signal can be measured. Thus, in the system of Talstra et al. the watermark is already present in the video signal to be processed. This is evident from the passage in Talstra et al. at col. 5, lines 41-45, wherein a process for embedding a watermark in a signal is referenced.

Accordingly, as Talstra et al. only describes a system and method which processes a signal already containing a watermark, it does not teach or suggest controlling a degree of insertion strength of the electronic watermark based on the data amount of the digital image per unit time as required by independent claim 1. In fact, since the system and method of Talstra et al. processes a signal already containing a watermark, the system of Talstra et al. can be used after the present invention inserts a watermark into the signal.

Therefore, even if one were to combine the teachings of Nakamura et al. and Talstra et al., one would not arrive at the present invention as defined in independent claim 1. accordingly, it is respectfully submitted that independent claim 1 patentably distinguishes over the art of record.

Claims 2-5 depend either directly or indirectly from independent claim 1 and include all the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitation of the claims from which they depend, are neither disclosed nor suggested in the prior art of record. Accordingly, claims 2-5 are likewise patentable.

**Claims 6-10**

Among the limitations of independent claim 6 which are neither disclosed nor suggested in the prior art of record is a method of inserting an electronic watermark into a digital image which includes “controlling a degree of insertion strength of the electronic watermark in response to the measurement result signal to insert, into the digital image, the electronic watermark adjusted by the degree of insertion strength.”

As described above, neither Nakamura et al. nor Talstra et al., either alone or combined, teach or suggest controlling a degree of insertion strength of the electronic watermark. Accordingly, it is respectfully submitted that independent claim 6 patentably distinguishes over the art of record.

Claims 7-10 depend either directly or indirectly from independent claim 6 and include all the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the prior art of record. Accordingly, claims 7-10 are likewise patentable.

**Claims 11-14**

Among the limitations of independent claim 11 which are neither disclosed nor suggested in the prior art of record is a method of inserting an electronic watermark into a digital image which includes “detecting a data amount of the digital image per unit time” and “adjusting a degree of insertion strength of the electronic watermark on the basis of the data amount detected.”

As described above, neither Nakamura et al. nor Talstra et al., either alone or combined, teach or suggest controlling a degree of insertion strength of the electronic

watermark. Accordingly, it is respectfully submitted that independent claim 11 patentably distinguishes over the art of record.

Claims 12-14 depend either directly or indirectly from independent claim 11 and include all the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the prior art of record. Accordingly, claims 12-14 are likewise patentable.

#### Claims 15-19

Among the limitations of independent claim 15 which are neither disclosed nor suggested in the prior art of record is an electronic watermark system for use in inserting an electronic watermark into a digital image, which includes “a control unit that controls a degree of insertion strength of the electronic watermark with reference to the amount of data per a unit of time of the digital image.”

As described above, neither Nakamura et al. nor Talstra et al., either alone or combined, teach or suggest controlling a degree of insertion strength of the electronic watermark. Accordingly, it is respectfully submitted that independent claim 15 patentably distinguishes over the art of record.

Claims 16-19 depend either directly or indirectly from independent claim 11 and include all the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the prior art of record. Accordingly, claims 16-19 are likewise patentable.

In view of the foregoing, favorable consideration and allowance of the present application with claims 1-19 is respectfully and earnestly solicited.

Dated: April 1, 2005

Respectfully submitted,

By Richard LaCava

Richard LaCava

Registration No.: 41,135

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant